

### **DETAILED ACTION**

Claims 8, 9 and 10 are currently pending in the instant application, appear allowable over the prior art of record and have been renumbered as claims 1-3. In view of the amendment to the claims, and as requested by applicant on page 5 of the remarks filed 2 April 2009, the Examiner withdraws the restriction requirement mailed 2 March 2009.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tonya L. Combs on 18 May 2009.

The application has been amended as follows:

1. Please replace the paragraph beginning on page 58, line 12 with the following (please delete the text indicated by double brackets):

-- Example 11: [4-Benzyl-] 2-(1,2-Diphenyl-ethyl)-morpholine (mixture of stereoisomers) - -

2. Please replace the paragraph beginning on page 59, line 19 with the following (please delete the text indicated by double brackets):

-- Example 11: [4-Benzyl-] 2-(1,2-diphenyl-ethyl)-morpholine (separate enantiomers)

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance. This invention relates to products of the formulas (V) and (VI). The novel and nonobvious aspect of this invention involves the substituent on the 2-position of the morpholine ring. The closest prior art of record (see for example, WO 2001/01973) fails to teach or suggest applicants' instantly claimed invention as the prior art compounds contain a heteroatom in the connection of the phenyl rings to the morpholine rings.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rebecca L. Anderson whose telephone number is (571) 272-0696. Mrs. Anderson can normally be reached Monday through Friday from 6:00am until 2:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Joseph K. McKane, can be reached at (571) 272-0699.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*/Rebecca Anderson/  
Primary Examiner, AU 1626*

18 May 2009

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